

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN DRDEK,

Plaintiff,

vs.

MYERS MANAGEMENT CO., INC.,  
JAMES KOSSIS, SHARON KOSSIS, and  
LANCE FARBER,

Defendants.

2:22-CV-00549-RJC-PLD

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Defendants' Partial Motion to Dismiss Count I (ECF No. 10). On November 3, 2022 the Honorable Patricia L. Dodge issued a Report and Recommendation (ECF No. 21) in which she recommended that the motion be granted in part by dismissing without prejudice and with leave to amend the FMLA claims against Defendants J. Kossis, S. Kossis, and Farber, and further, that the Partial Motion to Dismiss be denied in all other respects. The objections to the Report and Recommendation were due on or before November 17, 2022. No objections were filed.

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir.1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. The United States Court of Appeals for the Third Circuit has explained that, "even absent objections to the report and recommendation, a district court should 'afford some level of review to dispositive legal

issues raised by the report,” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon review of Judge Dodge’s well-reasoned November 3, 2022 Report and Recommendation, as well as a review of the relevant case law and the entire record in this matter, including the briefs the parties, it is hereby ORDERED as follows:

The Court approves and adopts the Report and Recommendation (ECF No. 21) in its entirety as the Opinion of the Court. Defendants’ Motion to Dismiss is hereby granted in part without prejudice and denied in all other respects.

BY THE COURT:

*s/Robert J. Colville*  
Robert J. Colville  
United States District Judge

DATED: November 27, 2022

cc/ecf: All counsel of record